

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456
Master File: 1:01-CV-12257-PBS
Sub-Category: 1:06-CV-11883-PBS

THIS DOCUMENT RELATES TO:

Hon. Patti B. Saris

State of South Carolina – State Medicaid Case

STATUS REPORT

Pursuant to the Court's June 16, 2004 Procedural Order, Plaintiff the State of South Carolina, by and through the State Medicaid Plan, hereby submits the following status report.

/s/ William E. Hopkins, Jr.
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MDL 1456 Status Chart – South Carolina Medicaid Case

<u>Case Name</u>	<u>MDL Docket No.</u>	<u>Original Jurisdiction</u>	<u>Status</u>
State of SC v. Abbott Laboratories, Inc.	1:06-CV-11883-PBS	Removed to District of South Carolina	<ul style="list-style-type: none"> • The parties are coordinating discovery efforts with related cases brought by plaintiff against other drug manufacturers currently pending in South Carolina state court. • Discovery is ongoing. • Depositions of State witnesses have been progressing. • Plaintiff has been making document productions on a rolling basis. • On January 18,

			<p>2012, the state court heard further arguments regarding the remaining “internal” documents contained on the Attorney General’s Privilege Log and a Motion to Compel Production of Certain Data from Medco. The state court took the matters under advisement. At the hearing, the state court signed an order extending the existing scheduling order in these cases by six months (fact discovery to close by September 2012).</p> <ul style="list-style-type: none">• On January 24, 2012, the Court denied plaintiff’s motion to remand this case to the federal court in South Carolina.• On January 27, 2012, the Court extended the fact discovery deadline to September 14, 2012, which matches the fact discovery cut-off in the state court cases.• Following a February 22, 2012 status conference with this Court, the Court agreed that on or after September 17, 2012, Abbott may file a motion for summary judgment based on the “yardstick” test developed and applied by this Court in other AWP-related matters and plaintiff may renew its motion to remand this action to the federal district court in South Carolina.
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CERTIFICATE OF SERVICE

I, the undersigned employee of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., do hereby certify that on the 1st day of August, 2012, a true and complete copy of the foregoing was served via electronic service pursuant to the Case Management Order by sending a copy to LexisNexis File & Serve for posting and notification to all counsel of record.

/s/ William E. Hopkins, Jr.

William E. Hopkins, Jr.